

2SHB 1900 - H AMD 734

By Representative Short

SCOPED 02/15/2016

1 On page 3, line 19, after "resources." insert "All of these
2 professionals work with students and families to determine what
3 toilet, restroom and locker room facilities are to be used as provided
4 in RCW 28A.640.020."

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6 On page 6, after line 16, insert the following:

7 "Sec. 6. RCW 28A.640.020 and 1994 c 213 s 1 are each amended to
8 read as follows:

9 (1) The superintendent of public instruction shall develop
10 regulations and guidelines to eliminate sex discrimination as it
11 applies to public school employment, counseling and guidance
12 services to students, recreational and athletic activities for
13 students, access to course offerings, and in textbooks and
14 instructional materials used by students.

15 (a) Specifically with respect to public school employment, all
16 schools shall be required to:

17 (i) Maintain credential requirements for all personnel without
18 regard to sex;

19 (ii) Make no differentiation in pay scale on the basis of sex;

20 (iii) Assign school duties without regard to sex except where
21 such assignment would involve duty in areas or situations, such as
22 but not limited to a shower room, where persons might be disrobed;

23 (iv) Provide the same opportunities for advancement to males and
24 females; and

25 (v) Make no difference in conditions of employment including,
26 but not limited to, hiring practices, leaves of absence, hours of

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1 employment, and assignment of, or pay for, instructional and
2 noninstructional duties, on the basis of sex.

3 (b) Specifically with respect to counseling and guidance
4 services for students, they shall be made available to all students
5 equally. All certificated personnel shall be required to stress
6 access to all career and vocational opportunities to students
7 without regard to sex.

8 (c) Specifically with respect to recreational and athletic
9 activities, they shall be offered to all students without regard to
10 sex. Schools may provide separate teams for each sex. Schools which
11 provide the following shall do so with no disparities based on sex:
12 Equipment and supplies; medical care; services and insurance;
13 transportation and per diem allowances; opportunities to receive
14 coaching and instruction; laundry services; assignment of game
15 officials; opportunities for competition, publicity and awards;
16 scheduling of games and practice times including use of courts,
17 gyms, and pools: PROVIDED, That such scheduling of games and
18 practice times shall be determined by local administrative
19 authorities after consideration of the public and student interest
20 in attending and participating in various recreational and athletic
21 activities. Each school which provides showers, toilets, or training
22 room facilities for athletic purposes shall provide comparable
23 facilities for both sexes. Such facilities may be provided either as
24 separate facilities or shall be scheduled and used separately by
25 each sex.

26 The superintendent of public instruction shall also be required
27 to develop a student survey to distribute every three years to each
28 local school district in the state to determine student interest for
29 male/female participation in specific sports.

30 (d) Specifically with respect to course offerings, all classes
31 shall be required to be available to all students without regard to
32 sex: PROVIDED, That separation is permitted within any class during
33 sessions on sex education or gym classes.

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1 (e) Specifically with respect to textbooks and instructional
2 materials, which shall also include, but not be limited to,
3 reference books and audiovisual materials, they shall be required to
4 adhere to the guidelines developed by the superintendent of public
5 instruction to implement the intent of this chapter: PROVIDED, That
6 this subsection shall not be construed to prohibit the introduction
7 of material deemed appropriate by the instructor for educational
8 purposes.

9 (2)(a) By December 31, 1994, the superintendent of public
10 instruction shall develop criteria for use by school districts in
11 developing sexual harassment policies as required under (b) of this
12 subsection. The criteria shall address the subjects of grievance
13 procedures, remedies to victims of sexual harassment, disciplinary
14 actions against violators of the policy, and other subjects at the
15 discretion of the superintendent of public instruction. Disciplinary
16 actions must conform with collective bargaining agreements and state
17 and federal laws. The superintendent of public instruction also
18 shall supply sample policies to school districts upon request.

19 (b) By June 30, 1995, every school district shall adopt and
20 implement a written policy concerning sexual harassment. The policy
21 shall apply to all school district employees, volunteers, parents,
22 and students, including, but not limited to, conduct between
23 students.

24 (c) School district policies on sexual harassment shall be
25 reviewed by the superintendent of public instruction considering the
26 criteria established under (a) of this subsection as part of the
27 monitoring process established in RCW 28A.640.030.

28 (d) The school district's sexual harassment policy shall be
29 conspicuously posted throughout each school building, and provided
30 to each employee. A copy of the policy shall appear in any
31 publication of the school or school district setting forth the
32 rules, regulations, procedures, and standards of conduct for the
33 school or school district.

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1 (e) Each school shall develop a process for discussing the
2 district's sexual harassment policy. The process shall ensure the
3 discussion addresses the definition of sexual harassment and issues
4 covered in the sexual harassment policy.

5 (f) "Sexual harassment" as used in this section means unwelcome
6 sexual advances, requests for sexual favors, sexually motivated
7 physical contact, or other verbal or physical conduct or
8 communication of a sexual nature if:

9 (i) Submission to that conduct or communication is made a term
10 or condition, either explicitly or implicitly, of obtaining an
11 education or employment;

12 (ii) Submission to or rejection of that conduct or communication
13 by an individual is used as a factor in decisions affecting that
14 individual's education or employment; or

15 (iii) That conduct or communication has the purpose or effect of
16 substantially interfering with an individual's educational or work
17 performance, or of creating an intimidating, hostile, or offensive
18 educational or work environment.

19 (3) Schools must provide toilets and restroom facilities for
20 each sex with no disparities based on sex. Each school must provide
21 facilities to be used separately by each sex. Schools may provide a
22 gender-neutral single occupant bathroom to accommodate a student's
23 privacy concerns.

24 (4) "Sex" as used in this section means biological sex or sex
25 assigned at birth.

26 (5) The provisions of chapter 49.60 RCW and any rules or
27 guidelines adopted by the superintendent of public instruction
28 pursuant to the provisions of chapter 49.60 RCW do not apply to
29 subsections (1)(c) and (3) of this section."

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31 Renumber the remaining section consecutively and correct any
32 internal reference accordingly.

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34 Correct the title.

EFFECT: Makes the following changes:

- Provides that school counselors, psychologists, and social workers work with students and families to determine what toilet, restroom and locker room facilities are to be used as required below;
- Requires schools to provide toilets and restroom facilities for each sex with no disparities based on sex and that must be used separately by each sex;
- Allows schools to provide gender-neutral single occupancy bathrooms to accommodate students' privacy concerns;
- Defines sex to mean biological sex or sex assigned at birth; and
- Specifies that the Law Against Discrimination and any rules or guidelines adopted by the Superintendent of Public Instruction do not apply statutes related to provision of toilet and restroom facilities, or recreational and athletic activities, with no disparities based on sex.

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